IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23325 of 2003

Between:

D.Venkataswamy S/o.Kurumanna Harijanawada, Gandhinagar
Vanaparthi, Mahaboobnagar District.

....PETITIONER

AND

1 The District Collector Mahaboobnagar District
2 Revenue Divisional Officer Rajaswa Mandal Vanaparthi
3 Mandal Revenue Officer, Rajaswa Mandal, Mahaboobnagar District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a sutiable writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in nonpayment of salary to the petitioner from the month of March 2003 to till date is illegal, arbitrary and violative of articles 14 and 16 of the Constitution of India and further direct the Respondents to pay the salaries from the month of March 2003 to till date and consequently direct the respondents to continue the petitioner in the post of sweeper.

Counsel for the Petitioner:SMT.S.A.V.RATNAM

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the respondents-the revenue authorities of the State in non-payment salary to the petitioner from the month of March,2003 is illegal and to direct the respondent to pay the salaries payable to the petitioner from the month of March,2003.

The point that arise for consideration whether the temporary or permanent employees of the State Government are not entitled directly to approach this Court without approaching first the A.P. Administrative Tribunal under Section 15 of the Administrative Tribunal Act.

The petitioner has to approach at the first instance before A.P.Administrative Tribunal as held by the Supreme Court of India in the case of L. Chandra Kumar Vs Union of India AIR 1997 S.C.1125.

It is stated that the petitioner is daily wager and causal worker even if that be so, the petitioner has to approach the Tribunal alone as held in the case of Union of India Vs. Deep Chand (1992) 4- SCC- 432 and HPSEB Vs.Tirath Raj (1995) 5 SCC-678. It is stated that the petitioner is working as Sweeper, in the Revenue Divisional Office, in Wanaparthy, who was engaged on casual basis from September,2002 to March, 2003 Thereafter, he himself did not attend to the work nor his service were required to be utilized . Therefore, whatever wages payable to him were paid till February,2003 and the petitioner is entitled to wages for the period of salary of March,2003 alone and the same will be paid to him.

However, the controversy involved in the writ petition that the petitioner is

computing the work period even after March,2003 and that he is entitled for the salary, is a matter, which is to be decided by the appropriate forum i.e. A.P.Administravie Tribunal.

Therefore, the W.P. is dismissed as not maintainable. The petitioner is at liberty to approach the A.P. Administrative Tribunal. No order as to costs.

V.Eswaraiah, J

17th August,2004.

Stp/Shr

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector Mahaboobnagar District
2 Revenue Divisional Officer Rajaswa Mandal Vanaparthi
3 Mandal Revenue Officer, Rajaswa Mandal, Mahaboobnagar District

4. 2CCs to G.P.for Revenue, High Court Buildings,(out)

5. .2CD copies

THE HON'BLE MR JUSTICE V.ESWARAIAH

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